

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
2005 JAN 21 PM 12:08
U.S. DISTRICT COURT

VICTOR MUNIZ

PLAINTIFF,

VS.

C. KROYER CHICAGO
POLICE OFFICER, #18734
W. BUGLIO, CHICAGO POLICE
OFFICER # 3983
And THE CITY OF CHICAGO

DEFENDANTS.

NO.

05C 0380

JUDGE JOAN H. LEFKOW

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

COMPLAINT

NOW COMES the Plaintiff Victor Muniz by and through his attorney, Melinda Power of West Town Community Law Office, and complains against the defendants and alleges as follows:

JURISDICTION

1. The jurisdiction of the Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. Section 1983 et seq.; 28 U.S.C. Section 1331 and Section 1343(3); the Constitution of the United States; and pendent jurisdiction. The amount in controversy exceeds \$10,000.00, exclusive of costs against each defendant.

PARTIES

2. Plaintiff Victor Muniz is a 22-year-old resident of the United States.
3. Defendant C. Kroyer was at all times material to this complaint a Chicago Police Officer. He is sued individually.
4. Defendant W. Buglio was at all times material to this Complaint a Chicago Police Officer. He is sued individually.

5. All individual Defendants were at all times material to this complaint acting under color of law.
6. Defendant, City of Chicago, is a municipal corporation duly incorporated under the laws and is the employer and principal of defendant police officers Kroyer and Buglio.

STATEMENT OF FACTS

7. On March 7, 2004 the plaintiff Victor Muniz was returning from a restaurant to his home on Mozart Street in Chicago IL.
8. The plaintiff was walking in the 5000 block of S. Rockwell, when the defendant police officers drove to where he was walking.
9. As the plaintiff was walking, the defendant police officers exited their car and one of the officers grabbed the plaintiff and searched him.
10. The defendants then asked the plaintiff where he was going. The plaintiff said home.
11. The defendant officers then handcuffed and arrested the plaintiff without probable cause. The defendant officers had people sign complaints knowing that the people who signed the complaints hadn't witnessed the incident and signed the complaint only because the police told them to.
12. The defendant officers took the plaintiff to the police station and handcuffed him very tightly to a chair.
13. The plaintiff, who speaks, very little English, asked the police in Spanish to loosen his handcuffs, since they hurt.
14. One of the defendants made them tighter, causing the plaintiff to suffer more pain.
15. When the plaintiff looked at the defendant police, one of them said "fucking Mexicans" and punched the plaintiff in the eye. The defendant male officer also made anti gay remarks to the plaintiff.
16. The plaintiff was held in custody until he was released after 8:30am on March 7, 2004.
17. The defendant was released on bond and ordered to appear in court on April 28th, 2004.
18. The plaintiff had to appear in court on May 12, 2004, May 28, 2004, June 2, 2004 and on June 10, 2004.
19. When the defendant appeared in court on June 10, 2004, the charge was stricken on leave.

20. As a result of the defendant's false arrest and excessive force, the plaintiff has suffered physical and emotional injuries.

COUNT ONE

(PLAINTIFF'S CLAIM FOR ASSAULT AND BATTERY SECTION 1983)

21. Plaintiff realleges paragraphs 1-20 with the same force and effect as if fully set forth herein.

22. Without reason to believe that Plaintiff had committed any offense, Chicago Police Officers defendants illegally stopped the plaintiff and harassed him. Subsequently, again without any reason to believe that the plaintiff had committed any offense, the plaintiff was grabbed and physically assaulted and painfully handcuffed by the defendants without reason and in violation of plaintiff's rights under the Fourth Amendment to the United States Constitution to be secure in his person, papers and effects against unreasonable searches and seizures. Said actions by Defendants violated 42 U.S.C. 1983.

WHEREFORE, pursuant to 42 U.S.C. 1983, Plaintiff demands judgment against Defendants Chicago Police Officers for substantial damages and since Defendant's actions were malicious, willful and/or wanton, Plaintiff demands punitive damages plus attorney fees and such other additional relief as this court deems equitable and just.

COUNT TWO

(PLAINTIFF'S 1983 CLAIM FOR FALSE ARREST)

23. The Plaintiff realleges paragraphs 1-22 with the same force and effect as if fully set forth herein.

24. Subsequent to the illegal stop of the plaintiff and without reason to believe that plaintiff had committed an illegal action, the defendants illegally detained and arrested the plaintiff. The defendants then prepared a false report to attempt to justify the arrest. As a result of the defendants illegal detention, arrest and false reports of the Plaintiff, he was detained in custody. These actions by the Defendants constitute false arrest under the

Fourth Amendment right to be free from unreasonable seizures and are actionable under 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff prays that this Court award him substantial money damages to compensate for the injuries caused by the defendants intentional or reckless and illegal act; and since Defendant's actions were malicious, willful and/or wanton, Plaintiff demands punitive damages plus the costs of this action and attorney fees.

COUNT THREE
(745 ILCS 10/9 102 - DEFENDANT CITY OF CHICAGO)

25. The Plaintiff realleges paragraphs 1-24.

26. Defendant City of Chicago is the employer of the individual Defendants. Defendants committed the acts alleged above under color of law and in the scope of their employment as employees of the City of Chicago.

WHEREFORE, should Defendants be found liable on one or more of the claims set forth above, Plaintiff demands that, pursuant to 745 ILCS 10/9-102, the Defendant City of Chicago be found liable for any judgments Plaintiff obtains thereon against said Defendants as well as for all attorney fees and costs.



Attorney for Plaintiff

Melinda Power
West Town Community Law Office
2502 W. Division Chicago Illinois 60622
Tel: 773/278-6706 Fax: 773/278-0635